

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

APRIL GRIFFIN

Petitioner,

v.

Case No. 09C306

SHERIFF DAVID A CLARKE

Respondent.

DECISION AND ORDER

Petitioner April Griffin filed this habeas petition under 28 U.S.C. § 2241. Pursuant to Rule 2 of the Rules Governing § 2254 Cases, I dismissed the petition without prejudice for her failure to substantially follow the form appended to the rules governing habeas cases or prescribed by local rule. See § 2254 Rule 1(1 b). I granted petitioner leave to cure the defects by refileing a new habeas petition using the form included with the order. Instead of filing a habeas petition, petitioner filed motions for disqualification and recusal under 28 U.S.C. §§ 144 and 455(a) and for relief from judgment under Fed. R. Civ. P. 60(b). I denied both motions. Petitioner subsequently chose not to refile her petition and I dismissed the case. Petitioner now renews her motion for relief from judgment under Fed. R. Civ. P. 60(b) and asks that I recuse myself from reconsideration. She argues that my previous orders reveal that I am biased against her and that dismissal was unnecessary because her original complaint already substantially followed the form I gave her.¹

¹ Petitioner's request does not address the merits of her claim and thus is not a successive petition. See Gonzalez v. Crosby, 545 U.S. 524, 535-536 (2005).

Petitioner's motion for recusal is unsupported and lacks legal merit. See Liteky v. United States, 510 U.S. 540, 555 (1994) ("judicial rulings alone almost never constitute a valid basis for a bias or partiality motion"). Additionally, petitioner has not identified any reason for not complying with the court order, presented any newly discovered evidence, nor raised any basis requiring further consideration of the dismissal. I will therefore deny the motion.

For the foregoing reasons,

IT IS THEREFORE ORDERED that plaintiff's motion (Docket #8) is **DENIED**.

Dated at Milwaukee, Wisconsin, this 10 day of February, 2010.

s/ _____
LYNN ADELMAN
District Judge